

REMARKS

This is in response to the Office Action dated February 25, 2008. Applicant has amended the application as set forth above. In specific, Claim 5 has been canceled and Claim 4 has been amended. The amendments do not add new matter to the application. Upon the entry of the amendments, Claims 4 and 6 are pending in this application. Applicant respectfully requests the entry of the amendments and reconsideration of the application.

Discussion of Rejections under 35 U.S.C. §112, first paragraph

The Examiner rejected claims 4-6 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement and the written description requirement. In response, Applicant has canceled Claim 5 without prejudice and amended Claim 4.

As the Examiner pointed out, Claim 4 has been amended such that the stop sensing sensor senses whether the vehicle stops based on a detect signal from the speed sensor as described in the original specification and the original Claim 1.

Applicant respectfully requests withdrawal of this rejection under 35 U.S.C. §112, first paragraph.

Discussion of Rejections under 35 U.S.C. §112, second paragraph

The Examiner rejected claims 4-6 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, Applicant has canceled Claim 5 without prejudice and amended Claim 4.

The Examiner stated, "It is not clear what is required when the recited conditions are met." To clarify the requirements for the recited conditions, Applicant indicates the corresponding phrase of Claim 4, which reads "..., either when the stop sensing sensor determines that the automobile stops and when the second proximity sensor determines that the brake pedal is stepped on (first condition), or when the automobile is on a status of key-off and when the second proximity sensor determines that the brake pedal is stepped on (second condition),..." which recites two conditions for generating the break effect (or the parking break effect).

The first condition applies when the stop sensing sensor determines that the automobile stops and the second proximity sensor determines that the brake pedal is stepped on, which is well defined by and equivalent to the situation in page 5, line 24 through page 6, line 4 of the publication (WO2004/011312).

The second condition applies when the automobile is on a status of key-off and the second proximity sensor determines that the brake pedal is stepped on, which is well defined by and equivalent to the situation in page 6, line 13-18 of the publication (WO2004/011312).

By the above, the ambiguity of an active step of configuring that the Examiner mentioned is now removed, and at the same time it is clear that the “unrecited selection switch” has been actually recited in forms the two conditions.

Even though the conditions according to the selection switch were complete in the original specification and the drawings, the language about the AUTO mode and SEMI/AUTO mode in the original Claim 1 was “generally narrative and indefinite” as pointed by the Examiner in the first Office action. Therefore, Applicant has clarified the conditions in which the inventive point, the main brake’s working as a parking brake, come out to work by the claim amendments regarding to the recited conditions, which are supported by the original specification; page 5, line 24 through page 6, line 4, and page 6, line 13-18 of the publication (WO2004/011312) as mentioned in the above.

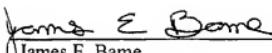
Therefore, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. §112, first paragraph and second paragraph.

CONCLUSION

In view of the amendments and remarks made above, it is respectfully submitted that Claims 4 and 6 are in condition for allowance, and such action is respectfully solicited. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectively submitted,

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